

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN-MODIFIED

In re:
Joselle Marie Searcy

Dated: **February 8, 2013**

DEBTOR

Case No. **12-51204**

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ **200.00**.
- After the date of this plan, the debtor will pay the trustee \$ **200.00** per Month for **47** months, **beginning February 2013**, for a total of \$ **9,400.00**. The minimum plan payment length is X 36 or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee _____
- The debtor will pay the trustee a total of \$ **9,600.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **960.00**, [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
-NONE-	\$ _____	_____	\$ _____
a. TOTAL			\$ 0.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
-NONE-	_____

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
-NONE-	_____

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
Mortgage Service Center	\$ 3,600.00	\$ 75.00	1	48	\$ 3,600.00
a. TOTAL					\$ 3,600.00

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$ _____	_____	_____	_____	_____	\$ _____
a. TOTAL						\$ 0.00

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts) x	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a. -NONE-	\$											
b. TOTAL											\$	0.00

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 2,500.00	\$ 104.17	1	24	\$ 2,500.00
b. Internal Revenue Service	\$ 1.00	\$ Pro rata	Pro rata	Pro rata	\$ 1.00
c. MN Dept of Revenue	\$ 1.00	\$ Pro rata	Pro rata	Pro rata	\$ 1.00
d. TOTAL					\$ 2,502.00

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. -NONE-						\$
b. TOTAL						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ **2,538.00** [line 1(d) minus lines 2, 6(a), 7(b), 8(a), 9(d) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ **0.00**.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ **36,041.00**.
- Total estimated unsecured claims are \$ **36,041.00** [line 11(a) + line 11(b)].

12. **OTHER PROVISIONS** —

The plan includes mortgage arrears through December, 2012 on the plan. Debtor shall pay her mortgage direct commencing on January 1, 2013.

Title in any secured property will vest in the debtor upon payment of the secured portion of the creditor's claim and debtor's discharge. The debtor shall receive a discharge upon completion of the scheduled plan payments or upon payment of 100% of timely filed unsecured claims, whichever occurs first. Trustee shall not pay any untimely filed general unsecured creditors (excluding taxing authorities). Claims filed as secured but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 11 above.

A proof of claim may be filed by any entity that holds a claim against the debtor for taxes that become payable to a governmental unit while the case is pending limited to only the tax year for which the bankruptcy case was filed. The trustee shall pay such claim as submitted as funds are available pursuant to 11 U.S.C. Statute 1305.

The debtor shall send the Trustee each year during the Chapter 13 Plan copies of his/her federal and state income tax returns at the time they are filed. The debtor shall also promptly report to the Trustee the receipt of any federal and state tax refunds for the duration of this Chapter 13 case and shall be entitled to retain the first \$1,200 (single debtor) or \$2,000 (joint debtor), plus any earned income credit (EIC) and any Minnesota Working Family Credit. Any remaining amounts shall be turned over to the Chapter 13 trustee as additional plan payments.

13. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	<u>960.00</u>
Home Mortgage Defaults [Line 6(a)]	\$	<u>3,600.00</u>
Claims in Default [Line 7(b)]	\$	<u>0.00</u>
Other Secured Claims [Line 8(b)]	\$	<u>0.00</u>
Priority Claims [Line 9(d)]	\$	<u>2,502.00</u>
Separate Classes [Line 10(a)]	\$	<u>0.00</u>
Unsecured Creditors [Line 11]	\$	<u>2,538.00</u>
TOTAL [must equal Line 1(d)]	\$	<u>9,600.00</u>

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Wesley W. Scott 0264787
Lund Kain Scott, PA
13 7th Ave. S
St. Cloud, MN 56301
320-252-0330
0264787

Signed **/s/ Joselle Marie Searcy**
Joselle Marie Searcy
DEBTOR

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Bkty. Case No: 12-51204

Joselle Marie Searcy

Debtor.

NOTICE OF CONFIRMATION HEARING

PLEASE TAKE NOTICE that the Confirmation Hearing on the Chapter 13 Plan is scheduled February 25, 2013 at 9:00 a.m., at the U.S. Bankruptcy Court, U.S. Courthouse, Courtroom 2, 4th Floor, 515 West 1st Street, Duluth, Minnesota 55802.

Dated this 8th day of February, 2013.

LUND KAIN & SCOTT

/e/ WESLEY W. SCOTT-#0264787
Attorney for Debtor
13 South Seventh Avenue
St. Cloud, Minnesota 56301
(320)252-0330

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY: 12-51204

Joselle Marie Searcy

Debtor

Chapter 13

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Notice of Confirmation Hearing and Modified Chapter 13 Plan was served upon all parties electronically:

U.S. Trustee
1015 U.S. Courthouse
300 S 4th St
Minneapolis MN 55415

Kyle Carlson, Chapter 13 Trustee
PO Box 519
Barnesville MN 56514

And upon all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail:

on February 8, 2013.

Dated: February 8, 2013

LUND KAIN & SCOTT, P.A.

/e/ WESLEY W. SCOTT-#0264787
13 7th Avenue South
St. Cloud, MN 56301
(320) 252-0330

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RESEARCH
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EL PASO TX 79998

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26525 N RIVERWOODS BLVD
METTAWA IL 60045

CAPITAL ONE NA
BASS & ASSOCIATES PC
3936 E FT. LOWELL RD, STE 200
TUCSON AZ 85712

CITIBANK SD, NA
CITI CORP CREDIT
SERVICES/ATTENTION: CEN
PO BOX 20507
KANSAS CITY MO 64195

DISCOVER FIN SVCS LLC
PO BOX 15316
WILMINGTON DE 19850

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY
PO BOX 7346
PHILADELPHIA PA 19101

MN DEPT OF REVENUE
ATTN DENISE JONES - BANKRUPTCY
PO BOX 64447
SAINT PAUL MN 55164

MORTGAGE SERVICE CENTE
ATTN: BANKRUPTCY DEPT
PO BOX 5452
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4325 17TH AVE S
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Joselle Marie Searcy

Debtor(s).

SIGNATURE DECLARATION


Case No. 12-51204

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☐ OTHER (Please describe: _____)

I [We], the undersigned debtor(s) or authorized representative of the debtor, ***make the following declarations under penalty of perjury:***

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- **[individual debtors only]** If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration and the completed "Debtor Information Pages," if applicable; and
- **[corporate and partnership debtors only]** I have been authorized to file this petition on behalf of the debtor.

Date: 1-15-2013

X 
Signature of Debtor or Authorized Representative

Joselle Marie Searcy

Printed Name of Debtor or Authorized Representative

X _____
Signature of Joint Debtor

Printed Name of Joint Debtor